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State Capacity to Implement Title I

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Introduction

State education agencies (SEAs) play a pivotal role in carrying out Title I of the Elementary and Secondary Education Act (ESEA). Since 1965, when the enactment of Title I caught the SEAs unprepared to enforce the requirements of categorical funding (Cohen & Moffitt 2009, Martin & McClure 1969), these agencies' capacity has grown and changed. But as each set of ESEA amendments has ratcheted up their responsibilities, SEAs have continued to struggle to monitor and support local districts and schools in educating Title I students. It is time to take a hard look at the SEAs' current and likely capacity and consider taking new steps to ensure that their work is done well.

The reauthorization of Title I in the Improving America's Schools Act of 1994 asked states to create accountability frameworks for gains in student achievement and the statewide systems of support that would assist struggling districts and schools. The No Child Left Behind (NCLB) Act of 2002 brought new intensity to these existing requirements as well as the new ones it added. It introduced higher stakes and higher visibility to the measurement of student performance and the identification of schools for improvement.

Each round of rising federal expectations brought into relief the gap between what the law expected in program administration and what SEAs could do (Cohen & Moffitt 2009). The gap widened with agency downsizing: never lavishly funded, SEAs have lost staff over the decades. Recent survey findings indicate a loss since 2007 of at least 10 percent of SEA operating budgets in a majority of states; federal stimulus funds have made up for this loss in only two of the states that responded to the survey (Center on Education Policy 2011). For years, state Title I directors have collectively bemoaned the lack of time, staffing, and funding to meet the expectations of Title I.

But growing SEAs or restoring them to their former selves may not be the best or only solution. The problems are structural and longstanding. Nearly 20 years ago, in 1993, two close observers of SEAs (one a former chief state school officer) wrote:

...many state agencies never have developed properly and fully as leadership organizations.... the great unspoken irony and paradox of inadequately supported state education agencies has continued into the 90's. Thus, the fundamental weakness of many of these agencies has persisted despite the outpouring of rhetoric about the need for dynamic state leadership...[W]e must become much more attentive to the issue of state capacity to lead and implement. (Kaagan & Usdan 1993)

Although states have recently asserted that they can and will use their Title I authority to redesign accountability systems (Council of Chief State School Officers 2011), there remains a mismatch between hopes for state leadership and what many SEAs can do. The problem calls for new solutions that support the more effective development and use of SEA capacity.

This paper reviews the recent history of SEA administration of Title I; describes the issues of funding and capacity that impair more effective SEA work; and suggests options for Title I legislation. In reauthorization, there is room for improvement in the current Title I structures, which include uniform expectations across states and formulas for set-aside funding. In particular, there is an urgent need for new thinking about the SEA role in school and district improvement.

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State Title I Administrative Responsibilities

Reauthorizations of ESEA have placed increasing responsibility on states

Title I as reauthorized under NCLB charges states with 588 compliance requirements (Lew, 2006 in Minnici & Hill, 2007). States must:

- Develop standards and assessments in reading, math, and science, with attention to assessing students with disabilities and English learners
- Create and implement an accountability system to assess school and district progress
- Develop an information system that disaggregates student assessment data and can be used for determining adequate yearly progress
- Communicate with parents and the public about district and school performance
- Ensure that teachers and paraprofessionals are highly qualified
- Bring all schools and student subgroups to a proficient level of performance
- Apply sanctions to persistently low-performing districts and schools
- Administer supplemental educational services (SES) and choice provisions
- Help districts and schools improve through a statewide system of support and school support teams
- Monitor compliance

States have largely complied with the procedural aspects of NCLB

The states created curriculum standards, assessments, and accountability systems (Sunderman & Orfield 2006). By 2006–07, most state student data systems had unique student identifiers and the ability to assess growth in student performance over time. Most states could produce report cards that disaggregated student performance by subgroup and district attainment of adequate yearly progress (USED 2010). By 2006 most states (75 percent) were able to report on the number of classes taught by non-highly qualified teachers (USED 2010). However, while states did a fair job of meeting procedural requirements, it took a long time, and states are still struggling to fully comply (Manna 2008).

More important than procedural compliance, though, are the quality of the systems and the results

In-depth studies of particular areas of state responsibility have revealed the degree to which state staff numbers and expertise are challenged and strained by Title I. The quality and rigor of state standards and assessment systems remain suspect (Rentner & Kober 2011; Manna 2010). Under the Supplemental Educational Services (SES) provisions—serving a fraction of Title I schools and students—state Title I administrators have struggled to meet requirements that include: developing an SES provider application process; encouraging a broad array of providers to apply; developing an application review process that includes evaluation criteria, rubrics, and committees of reviewers representing stakeholder groups; and developing a system for monitoring and reporting on provider performance.

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The requirement that states monitor SES provider performance, in particular, posed a significant capacity problem for most states. State SES coordinators reported turning to external evaluators and other outside experts to help them determine how to assess the relative impact of providers on student performance; states recognized that they lacked the staff expertise to develop a system (Anderson & Laguarda 2005). States complained as early as 2002-03 that hiring freezes and spending caps limited their capacity to do their job thoroughly (Anderson & Weiner 2004). In fall 2006, the problem persisted: a Center on Education Policy (CEP) survey of state education agencies revealed that more than two-thirds of the states were only somewhat or minimally able to monitor provider quality and effectiveness, and three states were not able to monitor provider performance at all (Minnici & Bartley 2007). By 2009, while states had largely complied with the requirement to select supplemental service providers and create systems for monitoring their performance (USED 2009), most states were still unable to link student achievement with provider performance.

State administration of their waiver authority under ESEA has revealed a limited capacity or appetite for innovative or aggressive approaches

SEAs did not seize the opportunity to encourage districts to meet state educational goals in creative ways with the “Ed-Flex” waiver authority;¹ they focused on the technical allowability of particular waivers but often fell short in holding districts accountable for meeting the original legislative purpose (Raphael & McKay 2001). Years later, with additional waiver authority available, many districts remained unaware of the flexibility available through waivers (Christensen 2007). A former federal official who oversaw the analysis of waivers under NCLB commented: “local flexibility has done little to alter local spending, encourage innovation, or catalyze significant new efforts to improve student achievement” (Yeager 2007).

SEAs’ limited capacity, revealed through their administration of Title I and other ESEA provisions, thus led to weak accountability systems and little encouragement for crafting creative local programming. More fundamentally, the evidence on waivers and SES raises questions about the states’ capacity to support solutions to persistent problems of school failure: many SEAs have been ill equipped to elicit districts’ best problem-solving efforts or to identify, vet, and oversee outside partners for the difficult work that Title I requires.

Issues of SEA Capacity

Set-asides in the Title I law are arguably inadequate to support the mandated state responsibilities. The state capacity issues related to improving low-performing schools and districts stem in part from limited dollars; we argue, however, that they go beyond funding challenges.

State Title I Administrative Funding

The funding available to states for their administrative responsibilities under Title I is modest at best

States may reserve up to one percent of total allocations for state-level administrative activities under Title I. In 2008-09, the one percent set aside for states was, on average, approximately \$2,750,000. Since the average cost of a full-time-equivalent (FTE) professional staff member, with benefits, is in the high five figures, the average set-aside would fund 30 to 40 staff to administer the 588 provisions of the Title I program statewide. One state administrator summed it up quite simply: “The problems are many and we are few” (LeFloch et al. 2008).

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For the most demanding part of the law—the requirement that states provide additional support for low-performing schools and districts—the amount of resources available varies tremendously

From the four percent of Title I funds that states are supposed to set aside for school improvement (Section 1003), they may reserve up to five percent for their own work with districts or schools identified for improvement.² The dollars available to states to assist low performing districts, when divided by the number of districts identified for improvement, are modest (Table 1). Because states vary in the number of districts identified for improvement, the state funding available per district varies. Among these 12 states, the state funding available to assist low performing districts ranges from as little as \$6,001 per district (in Iowa, where 24 districts were identified in 2009) to as much as \$195,066 per district (in Wisconsin, with two such districts). The mean state allocation per district is approximately \$46,000, and the median is a mere \$12,649; either amount falls short of the cost of even a single FTE (Sunderman & Orfield 2006).

Table I: State Set-Asides, 2009

State (2009)	TOTAL 2009 ESEA Title I Allocation ¹	1 Percent Set-Aside for States	TOTAL School Improvement Grants (1003(g))-95% Goes to LEAs	State Set-Aside for School Improvement (5% of 1003(g))	Number of Districts Identified for Improvement ²	Estimated Allocation Per District ³	TOTAL State Set-Aside
California	\$1,651,553,208	\$16,515,532	\$64,081,739	\$3,204,087	248	\$12,920	\$19,719,619
New York	\$1,245,205,953	\$12,452,060	\$47,477,710	\$2,373,886	35	\$67,825	\$14,825,945
Georgia	\$496,479,035	\$4,964,790	\$18,904,099	\$945,205	38	\$24,874	\$5,909,995
Arizona	\$290,541,120	\$2,905,411	\$10,754,978	\$537,749	84	\$6,402	\$3,443,160
New Jersey	\$285,748,899	\$2,857,489	\$10,250,585	\$512,529	39	\$13,142	\$3,370,018
Massachusetts	\$244,146,248	\$2,441,462	\$9,017,161	\$450,858	55	\$8,197	\$2,892,321
Wisconsin	\$214,713,617	\$2,147,136	\$7,802,632	\$390,132	2	\$195,066	\$2,537,268
Maryland	\$191,810,568	\$1,918,106	\$7,264,292	\$363,215	2	\$181,607	\$2,281,320
Arkansas	\$163,673,825	\$1,636,738	\$6,188,796	\$309,440	25	\$12,378	\$1,946,178
Kansas	\$103,934,603	\$1,039,346	\$4,123,587	\$206,179	17	\$12,128	\$1,245,525
Iowa	\$78,077,309	\$780,773	\$2,880,380	\$144,019	24	\$6,001	\$924,792
Delaware	\$41,031,302	\$410,313	\$1,626,978	\$81,349	7	\$11,621	\$491,662

SOURCES:

¹U.S. Department of Education website: <http://www2.ed.gov/about/overview/budget/statetables/11stbystate.pdf>. ²State Report Cards and/or performance reports retrieved from state websites.

Increasing the Title I set-asides may not, in the end, increase state capacity

Many factors limit the hiring capabilities of state agencies (Minnici & Hill 2007). State legislatures usually allow SEAs a fixed number of staffing positions: “Therefore, an SEA cannot simply hire an additional person to carry out the work even if they have the money to do so.” Most state employees are tied to a particular program or funding source and cannot be redeployed. State employee salaries are seldom high, making it difficult for state agencies to attract and retain talented, highly skilled staff. Agency downsizing has been frequent: according to Sunderman and Orfield (2006), the state education agencies of Illinois, New York, and Georgia all experienced staffing reductions ranging from 27 to 37

percent between 1991 and 2006. As of 2006, 21 states reported reductions in SEA staffing or programmatic cuts due to budget deficits or their legislators’ desire to shrink bureaucracy (Minnici & Hill 2007).

Although the American Recovery and Reinvestment Act (ARRA) of 2009 provided an influx of administrative funding for states, it was likely not sufficient to fully address state staffing and resource capacity issues

A review of winning Race to the Top (RTTT) grant applications offers insight into the amount and types of staffing capacity that states want for their efforts to improve student achievement (Table 2). The 10 states funded in the second round of RTTT all requested funding for FTEs. The number ranged from 8 (DC) to 150 (NC); the mean was about 50 and the median 35. In addition to adding in-house staff, these states proposed to buy services from external agencies, contractors, and colleges and universities. They planned to expend, on average, 29 percent of their RTTT budgets on contractual services, from a high of 47 percent of the budget to a low of 10 percent.

TABLE 2

State	# FTEs/ State-Level Positions Requested to Implement RTTT Grant	Average FTE (includes Fringe)	Funding Requested for State Personnel	Personnel as % of Overall RTTT Funding	Funding Requested for Contractual Services	Contractual Services as % of Overall RTTT Funding	Total RTTT Funding
DC	8	\$78,125	\$2,500,000	3%	\$7,700,000	10%	\$75,000,000
Florida	18	\$90,000	\$6,500,000	1%	\$331,700,000	47%	\$700,000,000
New York	19	\$94,737	\$7,200,000	1%	\$189,200,000	27%	\$696,000,000
Rhode Island	20	\$125,000	\$10,000,000	13%	\$20,280,000	27%	\$75,000,000
Ohio	32	\$134,375	\$17,200,000	4%	\$129,796,000	32%	\$400,000,000
Hawaii	38	\$100,000	\$16,000,000	21%	\$28,200,000	38%	\$75,000,000
Massachusetts	46	\$91,852	\$16,900,700	7%	\$72,000,000	29%	\$250,000,000
Maryland	56	\$78,080	\$17,490,000	7%	\$60,200,000	24%	\$250,000,000
Georgia	131	\$110,000	\$26,300,000	7%	\$118,000,000	30%	\$400,000,000
North Carolina	150	\$129,000	\$77,400,000	19%	\$90,632,000	23%	\$400,000,000

SOURCE: Authors' analysis of individual state application budgets for RTTT grants. Number of FTEs was derived from analyses of proposed budgets for each individual task associated with a state's RTTT program. Average cost of one FTE calculated based on estimated salaries, by position, by number of FTEs proposed in state RTTT budgets.

A review of RTTT state applications shed light on the capacities states might use to assist low-performing districts and schools

With their ESEA set-asides, states have perhaps never had the capacity to do the fine-grained, and sustained work that they know is required to truly solve the problems of persistently low-performing districts and schools. Georgia and Florida are cases in point. Georgia, for example, plans to use RTTT funding to finally and fully reform the schools that have failed year after year. Its plan for RTTT acknowledges that it will “need to take a bolder, more aggressive approach to school improvement in order to turn around the 30+ schools that have persisted in improvement status for the last seven

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years.” The sweep of Florida’s plan—largely dependent on external consultants rather than state employees—is stunning. The Florida Department of Education plans to contract with vendors to, among other things, develop lesson study toolkits in math, reading, and science; centralize access to data, reports, and applications for teachers and principals; provide professional development through data coaches, a data captain, and an instructional designer; and establish clear approaches to measuring student growth.

State Efforts to Assist Low-Performing Districts and Schools under Title I: A Special Problem

The states have not yet been able to make notable headway on the growing challenges of assisting struggling districts and schools

In the late 1990s, when asked about technical assistance needs that had gone unmet under ESEA, state administrators most often said they were unable to get to every district that needed or requested help, or that they were unable to provide ongoing, sustained assistance or follow-up (Anderson & Welsh, 1999). Little did they know what demands were soon to be placed upon them by NCLB. Predictably, a 2007 CEP study of state capacity found that states’ struggled to address the needs of low-performing districts and schools due to a lack of staffing and resources (Minnici & Hill 2007).

As the numbers of identified schools and districts grew, states have prioritized assistance, ignoring the needs of the many in order to address the needs of the few, chronically broken schools

By 2006–07, most states (40) had created “tiered systems of support” for districts and schools identified for improvement in order to balance the demand for assistance with states’ limited capacity to provide it. A tiered system allowed states to help high-need schools more intensively while maintaining “at least a minimal level of support for other identified schools” (USED, 2010). With respect to districts, a CEP survey of state education administrators showed that only 11 states were able to provide technical assistance to a great extent to districts with schools identified for improvement. The number of districts not making adequate yearly progress continues to grow, reaching 36 percent in 2009 compared with 29 percent in 2006 (CEP 2009).

In addition to the sheer numbers, the challenges presented by persistently low-performing schools and districts require states to work in new ways

States recognize that, despite their desire to help, there are no proven strategies for turning around districts and schools: “We don’t even have the research proof that there’s a design at the state level that works,” said one state education official, responding to an annual survey of state administrators conducted by CEP in 2006; another state official said: “Nobody’s figured it out . . . we certainly can’t say to the state legislature or governor, ‘Look, we know exactly what to do, just give us the money.’ I don’t think anybody’s there yet” (Minnici & Hill, 2007).

In fact, SEAs’ usual ways of working may impede their effectiveness in tackling problems of struggling schools and districts. According to Slotnik, state efforts to assist low-performing districts and schools have failed for a variety of reasons, but the reasons include states’ emphasis on regulatory compliance:

Transforming underperforming districts is a nuanced and complex challenge that requires substantial changes in thinking, behavior, and systems. In sharp contrast, the strength of state

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departments of education is in the area of supporting the existing policies and regulations that can at times contribute to the very underperformance that is so prevalent in many districts. (Slotnik, 2010)

Similarly, CEP observes that SEAs must work in different ways to change schools: “Requiring states to intervene and force change in schools and districts requires a very different sort of capacity and expertise than that required for monitoring or funneling funds to local districts.”

States are creating or finding banks of experts to support them and to help them address the problems of districts and schools

As of 2006–07, several states (23) used regional centers, area education agencies, or county-level offices to provide support to low-performing schools (USED, 2010). In addition, most states (32) used external consultants or organizations to supplement their capacity to assist low performing schools. Federal dollars support the Comprehensive Technical Assistance Centers and Regional Educational Laboratories, all of which are charged with supporting states. Associations such as the Council of Chief State School Officers provide ideas, information, and learning opportunities for SEA staff. Nonprofits such as Bridgespan and the new U.S. Education Delivery Institute, with funding from national foundations, help selected states formulate and carry out plans for statewide improvement.

Within California, the District Intervention and Capacity Building Initiative recruits and deploys experts to help districts. Piloted in 2006-07, the District Assistance and Intervention Team (DAIT) initiative sends out teams of experts from within and outside the state agency to work with low-performing districts to identify their areas of need, evaluate their practices, recommend changes, and facilitate the change process. According to an evaluation report, the two to three years of technical assistance provided through the DAIT process is “intensive, sustained, coordinated, and targeted primarily at the district level...it is a departure from much of the technical assistance that focused on turning around low-performing schools with minimal or modest district involvement” (Padilla et al. 2009). Effects on student achievement are as yet unclear: after two years of DAIT implementation, six of the 15 pilot districts showed better-than-expected performance on one or more achievement indicators (a detectable but relatively weak effect); this comparative analysis was undermined, though, when some districts intended as comparison cases received assistance from DAIT teams and most of the remaining comparisons had outside assistance that was informed by the DAIT initiative.

But it may not be reasonable to expect each state to find and deploy the expertise necessary to assist low performing districts and schools. States lack the resources to amass a standing army of technical assistance providers with the expertise and skill to assist districts.³ Moreover, although many states hire external consultants to help with Title I, it takes time and skill for states to identify and vet the appropriate individual or organization to meet a particular district need.

Early reports on state efforts under ARRA to turn around low performing schools suggest that the success rate is modest if not poor (CEP 2009)

With Title I school improvement grants (SIGs), states have flexibility in awarding SIGs to districts. However, they are now saddled with the responsibility of weighing the relative strength of districts’ ability to address school needs. As seen in the administration of the Title I SES provisions and waiver authority, the states may struggle to run a competition or to vet organizational capacity.

Options

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Focus on a more manageable set of state responsibilities

With funding anywhere in the neighborhood of current levels, states are simply incapable of successfully completing all the tasks Title I assigns to them. The options for remedying this problem begin with scrutinizing the law's requirements. Some efficiencies would follow from reducing state reporting requirements and purging the redundancies in assignments such as auditing. Reports asserting that the vast majority of teachers in Title I schools meet the definition of "highly qualified," for example, are almost meaningless exercises that nevertheless consume many SEA person-hours. Enforcement of the supplement-not-supplant provision in schoolwide programs could also be judged an exercise in futility and greatly simplified through carefully crafted statutory changes.

To give states a better chance of living up to the important charge that they assist with educational improvement, the law could also shift the focus from struggling schools to districts. Some states are headed in this direction on their own. In Tennessee, for example, the statewide system of support had once bypassed the districts and worked directly with schools. After 2004-05, however, the state recognized the need to build district capacity to assist low-performing schools and included district officials in the assistance process, particularly with respect to school improvement planning. In Louisiana, district personnel were trained by the state to be members of the District Assistance Teams that worked with identified schools (USED, 2010). A recent report from the Legislative Analyst's Office in California makes the case for a district- rather than school-based approach to state assistance:

...district leaders make important funding and management decisions that can help or hinder the ability of schools to improve student achievement. ..., districts hire and assign school administrators and teaching staff, negotiate the terms of collective bargaining agreements, and determine how to distribute discretionary resources. Districts also provide critical support, such as selecting curriculum and instructional materials, building/maintaining student assessment systems, and offering professional development. (Hill, 2008)

In addition, the report raises the issue of state capacity as a central factor behind the need to direct attention and resources to districts rather than schools. Working with 250-1000 districts, while still daunting, appears more manageable and sustainable than working with the more than 10,000 California schools expected to be identified for improvement.

Provide competitive incentives for state capacity development

The RTTT competition has offered an intriguing model for further innovation in the federal-state relationship. For Title I administration, it is quite possible that treating all states alike is unwise, and that the program would be better served by adopting two key features of RTTT: incentives for state policy change; and aid to those states that can demonstrate their capacity to use the dollars effectively. This option, then, would raise the set-aside percentage for overall Title I administration and/or for school and district improvement, but only for states that pledge a state match and that submit high-quality applications outlining their plans and capabilities. State legislatures might be motivated to appropriate more funds for SEA staff if their appropriations opened the door to winning a competition for federal funds.

In the selected states, the added funds would be seed money for the development of more effective systems of Title I administration. With this venture-capital approach, states that proposed promising ideas would have a chance to try them out. The added federal funding would sunset after two or three years, allowing a new group of states to qualify as winners. Later rounds of applicants, who would have generally started out with less capacity than the first-round winners, would be able to incorporate lessons from these other states into their plans.

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The nuclear option: Bypass

While the previous option focused on the sunny prospect of added funding for SEAs that can rise to a challenge, there remains the problem of SEAs that struggle. Within current Title I law, the option of the “bypass” provides for outsourcing state functions, and this option could be applied to a wider range of existing state responsibilities. Currently, for administration of Title I migrant education programs, Section 1307 authorizes ED to “bypass” an SEA and award a contract to another public agency or nongovernment organization to do what the SEA cannot do or chooses not to do. The law says this authority can be invoked under the following conditions:

...if the Secretary determines that —

- (1) the State is unable or unwilling to conduct educational programs for migratory children;
- (2) such arrangements would result in more efficient and economic administration of such programs; or
- (3) such arrangements would add substantially to the welfare or educational attainment of such children.

A state might voluntarily determine that it simply lacks the capacity or will to improve struggling schools and districts, and this proposed option would allow ED to find another entity to take on that work. Indeed, following the language of Section 1307, ED might even determine that a state must be bypassed involuntarily. While this option would raise intergovernmental hackles, the authority has precedent within Title I, and it deserves consideration as a stick alongside the carrots that a reauthorized law might offer to states.

A consortium for assistance

Rather than rely on all states to invent their respective wheels, it seems more efficient to encourage and support states to share resources and experiences while drawing on a core group of assistance providers with relevant knowledge and expertise. This option takes a page from the state-led initiative to produce Common Core Standards in English language arts and mathematics as well as the state assessment consortia that received funding under ARRA. It could draw on the organizations now working in many states with and without RTTT funding as partners in school turnaround. A national consortium or regional consortia of states and assistance providers could assemble intervention teams to work with low-performing districts and schools. This would differ from the current federal technical assistance offerings: rather than seeking to build the capacity of each state, a consortium would include states and other organizations pooling their resources to design, build, carry out, and improve approaches to the hardest Title I problems, like school and district improvement.

Title I could provide the opportunity and incentive for consortium membership if the law assigned responsibilities to “the state educational agency or a consortium of such agencies.” Federal funding could also support consortium research and development. Alternatively or in addition, states could pay membership dues to gain access to consortium resources, and varying membership levels could entitle states to varying levels of service.

This option would still rely on state capacity to set priorities, identify needed expertise, and broker consortium services for districts. It would thus necessitate renewed efforts to build state capacity for these functions.

Indeed, any of the suggested options assumes some basic level of SEA capacity for Title I administration. Continuing to support, inform, and cultivate this capacity remains essential work for the program.

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References

Anderson, L.M. and Laguarda, K.G. (2006). *Case studies of Supplemental Services Under the No Child Left Behind Act: Findings from 2003-04*. Washington DC: U.S. Department of Education.

Anderson, L.M. and Weiner, L. (2004). *Early implementation of the Supplemental Educational Services provisions of the No Child Left Behind Act*. Washington DC: U.S. Department of Education.

Anderson, L.M., and Welsh, M. (1999). *Making progress: An update on state implementation of federal education laws enacted in 1994*. Washington DC: U.S. Department of Education.
http://www.ed.gov/offices/OUS/PES/progress_ah.html

Center on Education Policy (2011). *More to do, but less capacity to do it: States' progress in implementing the Recovery Act education reforms*. Washington, DC: CEP.

Center on Education Policy (2010). *Better federal policies leading to better schools*. Washington DC: CEP.

Center on Education Policy (2009). *An early look at the economic stimulus package and the public schools: Perspectives from state leaders*. Washington DC: CEP.

Center on Education Policy (2009). *CEP comments on proposed requirements for Title I School Improvement Funds*. Washington DC: CEP.

Center on Education Policy (2008). *Moving beyond identification: Assisting schools in improvement*. Washington DC: CEP.

Center on Education Policy (2006). *From the capital to the classroom: Year 4 of the No Child Left Behind Act*. Washington DC: CEP.

Center on Education Policy (2005). *From the capital to the classroom: Year 3 of the No Child Left Behind Act*. Washington DC: CEP.

Christensen, G.S. (2007). *Evaluation of flexibility under No Child Left Behind: Volume I—Executive summary of Transferability, REAP Flex, and Local-Flex evaluations*. Washington DC: Urban Institute.

Cohen, D.K., & Moffitt, S. (2009). *The ordeal of equality: Did federal regulation fix the schools?* Cambridge MA: Harvard University Press.

Council of Chief State School Officers (2011). Letter to Tom Harkin and Michael Enzi, Feb. 1 2011. Accessed February 2011 from <http://bit.ly/dYGKY6?r=bb>

Hill, E. G. (2008). *A new system of support for low-performing schools*. Sacramento CA: Legislative Analyst's Office.

Kaagan, S. & Usdan, M.D. (1993). "Leadership and state reform: The gap between rhetoric and reality." *Education Week*: published online May 5, 1993.

- Kober, N. & Stark Rentner, D. (2011). *States' progress and challenges in implementing Common Core State Standards*. Washington DC: Center on Education Policy.
- LeFloch, K.C., Boyle, A., and Therriault, S.B. (2008). *Help wanted: state capacity for school improvement* (AIR Research Brief). Washington DC: American Institutes for Research.
- Manna, P. (2008). *Federal aid to elementary and secondary education: Premises, effects, and major lessons learned*. Washington DC: Center on Education Policy.
- Manna, P. (2011). *Collision course: Federal education policy meets state and local realities*. Washington DC: CQ Press.
- Martin, R., & McClure, P. (1969). *Title I of ESEA: Is it helping poor children?* Washington DC: Washington Research Project of the Southern Center for Studies in Public Policy and the NAACP Legal Defense and Education Fund.
- Minnici, A. and Hill, D. (2007) *Educational architects: Do state education agencies have the tools necessary to implement NCLB?* Washington, D.C.: Center on Education Policy.
- Padilla, C., Tiffany-Morales, J., Bland, J., and Anderson, L.M. (2009). *Evaluation of California's District Intervention and Capacity Building Initiative: Findings and lessons learned*. Menlo Park, CA: SRI International.
- Raphael, J., & McKay, S. (2001). *Analysis of the Education Flexibility Partnership Demonstration Program state reports: Final report*. Washington DC: Urban Institute.
- Slotnik, W. (2010). *Levers for change: Pathways for state-to-district assistance in underperforming school districts*. Washington DC: Center for American Progress.
- Sunderman, L. and Orfield, G. (2006). *Massive responsibilities and limited resources: The state response to NCLB*. Cambridge MA: The Civil Rights Project, Harvard University.
- U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service (2010). *State and local implementation of the No Child Left Behind Act, Volume IX—Accountability under NCLB: Final report*. Washington, DC: USED.
- U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service (2009). *State and local implementation of the No Child Left Behind Act, Volume VII—Title I school choice and Supplemental Educational Services: Final report*. Washington DC: USED.
- U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service (2007). *State and local implementation of the No Child Left Behind Act, Volume VI—Targeting and uses of federal education funds*. Washington DC: USED.
- Yeager, M. (2007). "Stiff armed: No Child Left Behind's unused funding flexibility." Washington DC: Education Sector, July 13, 2007.

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¹ Enacted in 1994 in the Goals 2000: Educate America Act, the Educational Flexibility Partnership Demonstration (Ed-Flex) permitted selected states to waive many provisions of Title I and of other elementary and secondary programs within and beyond ESEA. Waivers could be granted statewide or for particular districts or schools. The idea was to remove impediments to local creativity in program implementation in exchange for accountability for educational results, with SEAs in charge of approving waivers and tracking the outcomes.

² In 2004-05, most states (36 and the District of Columbia) retained five percent of Section 1003 funds for state-level activities and nine states did not (USED/AIR, 2009). In addition, nine states in 2004-05 retained—with the permission of districts—the full four percent of funds designated for districts in order to provide direct support services to districts.

³ In California, the county offices of education (COEs) had some internal capacity to support district needs related to the alignment of curriculum, instruction, and assessments to state standards, but they had limited or no capacity to help districts in such areas as fiscal operations and human resources. To meet their districts' needs, providers relied on outside experts such as retired faculty and administrators, private providers, or personnel from neighboring COEs.